

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UTILITY PATENT APPLICATION TRANSMITTAL
(For new non-provisional applications under 37 CFR § 1.53(b))

P2388 U.S.PTO
10/669931
09/24/03

Atty. Dkt. No: 5760-13900

Inventor(s):
Hans F. van Rietschote
Mahesh P. Saptarshi
Craig W. Hobbs

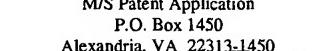
Title: Providing High Availability for an Application by Rapidly Provisioning a Node and Failing Over to the Node

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EV 318247135 US
DATE OF DEPOSIT: September 24, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to:

Commissioner for Patents
M/S Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450



Derrick Brown

Application Elements

1. Filing Fee

The filing fee is calculated as shown below.

Total Claims	38	-20=	18	x \$18.00=	\$324.00
Independent Claims	3	-3 =	0	x \$84.00=	\$0.00
Multiple Dependent Claims				Fee:	\$0.00
				Basic Fee:	\$750.00
				Assignment Fee	\$40.00
				Sub-Total:	\$1,114.00
				Reduction by 50% for Small Entity:	\$0.00
				Total:	\$1,114.00

Fee Authorizations for fees are enclosed.

The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C., Deposit Account No. 501505/5760-13900/LJM.

One duplicate copy of this form is enclosed.

- ## 2. Specification

- 18 page

drawings

- Figure(

Truth or Declaration

- Newly executed

- Copy from a prior

- Copy from a prior application (see 37 C.F.R. § 1.65(d))

Delete the following inventor(s) named in the prior non-provisional application:

- Delete the following inventor(s) named in the prior non-provisional application.

- The inventor(s) to be deleted are set forth on a signed sheet attached hereto.

5. The entire disclosure of the prior application referred to above is considered to be part of the accompanying application and is hereby incorporated by reference herein.
6. Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 Computer Readable copy
 Paper Copy (identical to computer copy)
 Statement verifying identity of above copies
8. Assignment Papers
9. Power of Attorney
 Is attached.
 The power of attorney appears in the original papers of the prior application.
 Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
10. Information Disclosure Statement (IDS)
 Copies of IDS Citations
11. Amendments
 A preliminary amendment is enclosed.
 Cancel in this application claim(s) _____ before calculating the filing fee. At least one independent claim is retained for filing purposes.
 Amend the specification by inserting before the first line the sentence:_____
12. Return Receipt Postcard
13. Small Entity Status
 A small entity statement is enclosed.
 A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
 Is no longer claimed.
14. Priority of foreign application number _____, filed on _____ in _____ is claimed under 35 U.S.C. §§ 119(a)-(d)
15. Petition under 37 C.F.R. § 136 for Extension of Time
16. Other: Request and Certification under 122(b)(2)(B)(i)

Address all future correspondence to:

Lawrence J. Merkel
Customer Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C.
No. 35690 P.O. Box 398
Austin, Texas 78767
Phone: (512) 853-8800 Fax: (512) 853-8801

Signature

Name

Registration No.

Date

Lawrence J. Merkel

41,191

September 24, 2003

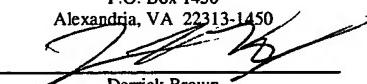
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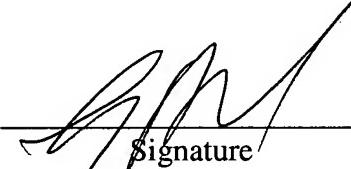
**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

Atty Docket Number:	5760-13900
First Named Inventor:	Hans F. van Rietschote
Title:	Providing High Availability for an Application by Rapidly Provisioning a Node and Failing Over to the Node

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

September 24, 2003

Date



Signature

Lawrence J. Merkel 41,191
Typed or printed name Reg. No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.